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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,867	10/12/2006	David A. Fish	T4957-B005	5856
23429 7590 05/18/2010 LOWE HAUPTMAN HAM & BERNER, LLP 1700 DIAGONAL ROAD SUITE 300 ALEXANDRIA, VA 22314			EXAMINER BOYD, JONATHAN A	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 05/18/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/599,867

Applicant(s)

FISH ET AL.

Examiner

JONATHAN BOYD

Art Unit

2629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 May 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Amr Awad/
Supervisory Patent Examiner, Art Unit 2629

/J. B./
Examiner, Art Unit 2629

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner would like to point out to the Applicant that the Examiner agrees that the invention set forth in Fig. 3, for example, is different from the currently cited prior art. However, as currently claimed, the Examiner can broadly interpret the claims so as to read on the current prior art.

The Examiner respectfully disagrees with Applicant's assertion on Page 2 of the Remarks that the subpixels must be of the RGB spectrum. Parameters within parentheses within a claim are held as only labels, the Examiner recommends that to overcome this limitation that the Applicant amend the claim so as to say, for example, "the pixels comprise first sub pixels of the RGB colour scheme (RL, GL, BL) comprising a first EL material..."

The Examiner respectfully disagrees with Applicant's assertions on Page 2 of the Remarks that Cok does not teach "the first EL material is of a higher lifetime than the second EL material; and the second EL material has a better colour point and/or better colour rendition properties than the first EL material." Looking now at Claim 1, it is said that each pixel comprises sub-pixels of two or main colours, i.e. Red and Blue. The next statement states that for at least ONE of the main colours, the pixels comprise first sub pixels (i.e. Red) of the main colour comprising a first EL material and second sub pixels (i.e. Blue) of the main colour comprising a second EL material. It is well known in the art that red light emitters and blue light emitters have different active lifetimes (See; Applicant submitted reference WO 01/99195) wherein Red typically has a higher lifetime than Blue. It is also well known that Blue is a more vivid color than red, thus allowing it to be run at a lower efficiency than Red so as to increase its lifetime in relation to Red.

Further, the Examiner respectfully disagree with Applicant's assertion on Page 2 that Cok does not teach driving a first sub-pixel (Red) with a higher lifetime in combination with a sub-pixel with a better colour point (blue), depending upon whether the colour of the first sub-pixel is sufficient,. Cok teaches where the Red and Blue sub-pixel will always be driven together since the Red sub-pixel is not sufficient without the Blue sub-pixel.

The Examiner recommends to overcome the current rejection to specify the sub-pixel arrangement to read on that of Figure 3 of the instant application.